



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

July 22, 1988
AO-88-24

Mary F. McTigue

Director

Roy A. Bourque
Administrative Assistant
Executive Department
City of Fitchburg
718 Main Street
Fitchburg, Massachusetts 01420

Dear Mr. Bourque:

This letter is in response to your request for an advisory opinion.

You have stated that you are the Administrative Assistant to the Mayor of Fitchburg. YOU have inquired whether you would be required under M.G.L. c.55 to take a leave of absence in order to run for State Representative for the Fourth Worcester District.

Section 13 of M.G.L. c.55 states:

"No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person

so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is subject of his official responsibility."

No provision of M.G.L. c.55, including section 13, mandates that a public employee relinquish his or her employment with the commonwealth in order to seek elected office. You may not, however, solicit contributions directly or indirectly, in person or in writing, while so employed. If you were to take an unpaid leave of absence of four months or more before a primary election or six months or more before a general or special election, you would not be considered "employed for compensation" by this office and therefore not subject to prohibitions of section 13 of M.G.L. c.55.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,


Mary F. McTigue
Director

MFM/ba